

AMENDED IN SENATE JUNE 28, 2002

AMENDED IN ASSEMBLY MAY 3, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1493

Introduced by Assembly Member ~~Keeley Pavley~~
(Principal coauthor: Assembly Member Simitian)

(Principal coauthor: Senator Burton)

**(Coauthors: Assembly Members Aroner, Chu, Cohn, Diaz,
Firebaugh, Frommer, Jackson, Keeley, Kehoe, Koretz, Longville,
Nation, Shelley, and Strom-Martin)**

(Coauthors: Senators Bowen, Escutia, Kuehl, Perata, and Romero)

February 23, 2001

~~An act to amend Section 156.1 of the Business and Professions Code, to amend Sections 8448, 22217, 22362, 41320, and 62004 of the Education Code, to amend Sections 7604, 8543.1, 8544.2, 8544.3, 8544.5, 8544.6, 8545, 8545.1, 8545.2, 8545.4, 8545.5, 8546.1, 8546.3, 8546.4, 8546.8, 12430, 13297, 13298, 13299, 13299.1, 13405, 16366.7, 53134, and 53138 of, to amend the heading of Article 3 (commencing with Section 8547) of Chapter 6.5 of Division 1 of Title 2 of, and to amend and renumber Section 8546.5 of, the Government Code, to amend Section 18052.5 of the Health and Safety Code, to amend Section 10359 of the Public Contract Code, to amend Section 2154 of the Streets and Highways Code, to amend Sections 11212 and 11222 of the Vehicle Code, and to amend Section 14100.2 of the Welfare and Institutions Code, relating to the Bureau of State Audits. An act to amend Section 42823 of, and to add Section 43018.5 to, the Health and Safety Code, relating to air quality.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1493, as amended, ~~Keeley Pavley. Bureau of State Audits~~
Vehicular emissions: greenhouse gases.

(1) Existing law establishes the California Climate Action Registry, and requires the registry to perform various functions relating to the provision of technical assistance for emissions reductions, including maintaining a record of certified greenhouse gas emission baselines and emission results. Existing law requires these records to be available to the public, except for any portion deemed confidential by a participant in the registry. Existing law, the California Public Records Act, provides that all public records, as defined, are open to inspection at all times during the office hours of a state or local agency and any person has a right to inspect any public record, except as specifically provided in the act.

This bill would revise the exception applicable to records maintained by the registry to make those records available to the public, except that portion of the data or information exempt from disclosure pursuant to the act. The bill would require the registry, in consultation with the State Air Resources Board, to adopt procedures and protocols for the reporting and certification of reductions in greenhouse gas emissions from mobile sources for use by the state board in granting the emission reduction credits.

(2) Existing law requires the state board to endeavor to achieve the maximum degree of emission reductions possible from vehicular and other mobile sources in order to accomplish the attainment of the state standards at the earliest practicable date.

This bill would require the state board to develop and adopt, by January 1, 2005, regulations that achieve the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and any other vehicles determined by the state board to be vehicles whose primary use is noncommercial personal transportation in the state. The bill would prohibit those regulations from taking effect prior to January 1, 2006, in order to give the Legislature time to review the regulations and determine whether further legislation should be enacted prior to the effective date of the regulations. Under the bill, the regulations would apply only to a motor vehicle manufactured in the 2009 model year, or any model year thereafter.

The bill would require the regulations to provide flexibility, to the maximum extent feasible, in the means by which a person may comply

with those regulations, including, but not limited to, authorization for a person to use alternative methods of compliance with the regulations. The bill would prohibit the state board from imposing a mandatory trip reduction measure or land use restriction in providing that compliance flexibility. The bill would prohibit the state board, in adopting the regulations, from requiring the imposition of additional fees and taxes on any motor vehicle, fuel, or vehicle miles traveled; a ban on the sale of any vehicle category, a reduction in vehicle weight; a limitation on, or reduction of, the speed limit on any street or highway in the state; or a limitation on, or reduction of, vehicle miles traveled. The bill would declare that the provisions of the bill prohibiting the state board from imposing additional fees or taxes on any motor vehicle, fuel, or vehicle miles traveled, or to limit or reduce the speed limit on any street or highway in the state to be declaratory of existing law. The bill would require the state board to ensure that any alternative methods of compliance achieve equivalent or greater reductions in emissions of greenhouse gases as the regulations. The bill would also require the state board to conduct public workshops regarding the regulations in specified communities with the most significant exposure to air contaminants. The bill would also require the state board to grant emission reduction credits for reductions of greenhouse gas emissions achieved prior to the operative date of the regulations, utilizing the 2000 model year as the baseline for calculating those reductions. The bill would require the state board to include an exemption in those regulations for vehicles subject to specified exhaust emission standards. The bill would authorize the state board to elect not to adopt a standard for a greenhouse gas, if the state board determines that the federal government has adopted a standard regulating that greenhouse gas, and the state board makes specified findings related to the similarity of the federal standard. The bill would also require the state board, by January 1, 2005, to provide a report to the Legislature on the contents of those regulations.

~~Existing law establishes the Bureau of State Audits under the direction of the Milton Marks Commission on California State Government Organization and Economy, and generally provides that any reference in state law to the Auditor General or the office of the Auditor General with respect to the performance of audits, shall be construed to refer to the State Auditor or the Bureau of State Audits, respectively.~~



~~This bill would delete obsolete references to the office of the Auditor General and the Auditor General and make various other technical, nonsubstantive changes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 156.1 of the Business and Professions~~

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) Global warming is a matter of increasing concern for public health and the environment in the state.

(b) California is the fifth largest economy in the world.

(c) The control and reduction of emissions of greenhouse gases are critical to slow the effects of global warming.

(d) Global warming would impose on California, in particular, compelling and extraordinary impacts including:

(1) Potential reductions in the state's water supply due to changes in the snowpack levels in the Sierra Nevada Mountains and the timing of spring runoff.

(2) Adverse health impacts from increases in air pollution that would be caused by higher temperatures.

(3) Adverse impacts upon agriculture and food production caused by projected changes in the amount and consistency of water supplies and significant increases in pestilence outbreaks.

(4) Projected doubling of catastrophic wildfires due to faster and more intense burning associated with drying vegetation.

(5) Potential damage to the state's extensive coastline and ocean ecosystems due to the increase in storms and significant rise in sea level.

(6) Significant impacts to consumers, businesses, and the economy of the state due to increased costs of food and water, energy, insurance, and additional environmental losses and demands upon the public health infrastructure.

(e) Passenger vehicles and light-duty trucks are responsible for approximately 40 percent of the total greenhouse gas pollution in the state.

1 (f) *California has a long history of being the first in the nation*
2 *to take action to protect public health and the environment, and the*
3 *federal government has permitted the state to take those actions.*

4 (g) *Technological solutions to reduce greenhouse gas*
5 *emissions will stimulate the California economy and provide*
6 *enhanced job opportunities. This will continue the California*
7 *automobile worker tradition of building cars that use cutting edge*
8 *technology.*

9 (h) *It is the intent of the Legislature to require the State Air*
10 *Resources Board to adopt regulations that ensure reductions in*
11 *emissions of greenhouse gases in furtherance of Division 26*
12 *(commencing with Section 39000) of the Health and Safety Code.*
13 *It is the further intent of the Legislature that the greenhouse gas*
14 *regulations take effect in accordance with any limitations that may*
15 *be imposed pursuant to the federal Clean Air Act (42 U.S.C.*
16 *Section 7401 et seq., as amended by the federal Clean Air Act*
17 *Amendments of 1990 (Pub. L. 101-549)) and the waiver provisions*
18 *of the federal act.*

19 SEC. 2. *Section 42823 of the Health and Safety Code is*
20 *amended to read:*

21 42823. The registry shall perform all of the following
22 functions:

23 (a) Provide participants with referrals to approved providers
24 for technical assistance and advice, upon the request of a
25 participant, on any or all of the following:

26 (1) Designing programs to establish greenhouse gas emissions
27 baselines and to monitor, estimate, calculate, report, and certify
28 greenhouse gas emissions.

29 (2) Establishing emissions reduction goals based on
30 international or federal best practices for specific industries and
31 economic sectors.

32 (3) Designing and implementing organization-specific plans
33 that improve energy efficiency or utilize renewable energy, or
34 both, and that are capable of achieving emission reduction targets.

35 (b) In coordination with the State Energy Resources
36 Conservation and Development Commission, the registry shall
37 adopt and periodically update a list of organizations recognized by
38 the state as qualified to provide the detailed technical assistance
39 and advice in subdivision (a) and assist participants in identifying

1 and selecting providers that have expertise applicable to each
2 participant's circumstances.

3 (c) Adopt procedures and protocols for certification of reported
4 baseline emissions and emissions results. When adopting
5 procedures and protocols for the certification, the registry shall
6 consider the availability and suitability of simplified techniques
7 and tools.

8 (d) Qualify third-party organizations that have the capability to
9 certify reported baseline emissions and emissions results, and that
10 are capable of certifying the participant-reported results as
11 provided in this chapter.

12 (e) Adopt procedures and protocols, including a uniform
13 format for reporting emissions baselines and emissions results to
14 facilitate their recognition in any future regulatory regime.

15 (f) Maintain a record of all certified greenhouse gas emissions
16 baselines and emissions results. Separate records shall be kept for
17 direct and indirect emissions results. The public shall have access
18 to this record, except for any ~~portions of a participant's emissions~~
19 ~~results that a participant may deem confidential~~ *portion of the data*
20 *or information that is exempt from disclosure pursuant to the*
21 *California Public Records Act (Chapter 3.5 (commencing with*
22 *Section 6250) of Division 7 of Title 1 of the Government Code).*

23 (g) Encourage organizations from various sectors of the state's
24 economy, and those from various geographic regions of the state,
25 to report emissions, establish baselines and reduction targets, and
26 implement efficiency improvement and renewable energy
27 programs to achieve those targets.

28 (h) Recognize, publicize, and promote participants.

29 (i) In coordination with the State Energy Resources
30 Conservation and Development Commission and the ~~State Air~~
31 ~~Resources Board~~ *state board*, adopt industry-specific reporting
32 metrics at one or more public meetings.

33 (j) *In consultation with the state board, adopt procedures and*
34 *protocols for the reporting and certification of reductions in*
35 *emissions of greenhouse gases, to the extent permitted by state and*
36 *federal law, for those reductions achieved prior to the operative*
37 *date of the regulations described in subdivision (a) of Section*
38 *43018.5.*

39 SEC. 3. *Section 43018.5 is added to the Health and Safety*
40 *Code, to read:*

1 43018.5. (a) No later than January 1, 2005, the state board
2 shall develop and adopt regulations that achieve the maximum
3 feasible and cost-effective reduction of greenhouse gas emissions
4 from motor vehicles.

5 (b) (1) The regulations adopted pursuant to subdivision (a)
6 may not take effect prior to January 1, 2006, in order to give the
7 Legislature time to review the regulations and determine whether
8 further legislation should be enacted prior to the effective date of
9 the regulations, and shall apply only to a motor vehicle
10 manufactured in the 2009 model year, or any model year thereafter.

11 (2) (A) Within 10 days of adopting the regulations pursuant to
12 subdivision (a), the state board shall transmit the regulations to the
13 appropriate policy and fiscal committees of the Legislature for
14 review.

15 (B) The Legislature shall hold at least one public hearing to
16 review the regulations. If the Legislature determines that the
17 regulations should be modified, it may adopt legislation to modify
18 the regulations.

19 (c) In developing the regulations described in subdivision (a),
20 the state board shall do all of the following:

21 (1) Consider the technological feasibility of the regulations.

22 (2) Consider the impact the regulations may have on the
23 economy of the state, including, but not limited to, all of the
24 following areas:

25 (A) The creation of jobs within the state.

26 (B) The creation of new businesses or the elimination of
27 existing businesses within the state.

28 (C) The expansion of businesses currently doing business
29 within the state.

30 (D) The ability of businesses in the state to compete with
31 businesses in other states.

32 (E) The ability of the state to maintain and attract businesses
33 in communities with the most significant exposure to air
34 contaminants, localized air contaminants, or both, including, but
35 not limited to, communities with minority populations or
36 low-income populations, or both.

37 (F) The automobile workers and affiliated businesses in the
38 state.

39 (3) Provide flexibility, to the maximum extent feasible
40 consistent with this section, in the means by which a person subject

1 to the regulations adopted pursuant to subdivision (a) may comply
2 with the regulations. That flexibility shall include, but is not
3 limited to, authorization for a person to use alternative methods of
4 compliance with the regulations. In complying with this
5 paragraph, the state board shall ensure that any alternative
6 methods for compliance achieve the equivalent, or greater,
7 reduction in emissions of greenhouse gases as the emission
8 standards contained in the regulations. In providing compliance
9 flexibility pursuant to this paragraph, the state board may not
10 impose any mandatory trip reduction measure or land use
11 restriction.

12 (4) Conduct public workshops in the state, including, but not
13 limited to, public workshops in three of the communities in the state
14 with the most significant exposure to air contaminants or localized
15 air contaminants, or both, including, but not limited to,
16 communities with minority populations or low-income
17 populations, or both.

18 (5) (A) Grant emissions reductions credits for any reductions
19 in greenhouse gas emissions from motor vehicles that were
20 achieved prior to the operative date of the regulations adopted
21 pursuant to subdivision (a), to the extent permitted by state and
22 federal law governing emissions reductions credits, by utilizing the
23 procedures and protocols adopted by the California Climate
24 Action Registry pursuant to subdivision (j) of Section 42823.

25 (B) For the purposes of this section, the state board shall utilize
26 the 2000 model year as the baseline for calculating emission
27 reduction credits.

28 (6) Coordinate with the State Energy Resources Conservation
29 and Development Commission, the California Climate Action
30 Registry, and the interagency task force, convened pursuant to
31 subdivision (e) of Section 25730 of the Public Resources Code, in
32 implementing this section.

33 (d) THE REGULATIONS ADOPTED BY THE STATE BOARD
34 PURSUANT TO SUBDIVISION (a) SHALL NOT REQUIRE ANY
35 OF THE FOLLOWING:

36 (1) THE IMPOSITION OF ADDITIONAL FEES AND TAXES
37 ON ANY MOTOR VEHICLE, FUEL, OR VEHICLE MILES
38 TRAVELED, PURSUANT TO THIS SECTION OR ANY OTHER
39 PROVISION OF LAW.



1 (2) A BAN ON THE SALE OF ANY VEHICLE CATEGORY IN
2 THE STATE, SPECIFICALLY INCLUDING, BUT NOT LIMITED
3 TO, SPORT UTILITY VEHICLES AND LIGHT-DUTY TRUCKS.

4 (3) A REDUCTION IN VEHICLE WEIGHT.

5 (4) A LIMITATION ON, OR REDUCTION OF, THE SPEED
6 LIMIT ON ANY STREET OR HIGHWAY IN THE STATE.

7 (5) A LIMITATION ON, OR REDUCTION OF, VEHICLE
8 MILES TRAVELED.

9 (e) The regulations adopted by the state board pursuant to
10 subdivision (a) shall provide an exemption for those vehicles
11 subject to the optional low-emission vehicle standard for oxides of
12 nitrogen (NO_x) for exhaust emission standards described in
13 paragraph (9) of subdivision (a) of Section 1961 of Title 13 of the
14 California Code of Regulations.

15 (f) Not later than July 1, 2003, the California Climate Action
16 Registry, in consultation with the state board, shall adopt
17 procedures for the reporting of reductions in greenhouse gas
18 emissions from mobile sources to the registry.

19 (g) By January 1, 2005, the state board shall report to the
20 Legislature and the Governor on the content of the regulations
21 developed and adopted pursuant to this section, including, but not
22 limited to, the specific actions taken by the state board to comply
23 with paragraphs (1) to (6), inclusive, of subdivision (c), and with
24 subdivision (f). The report shall include, but shall not be limited
25 to, an analysis of both of the following:

26 (1) The impact of the regulations on communities in the state
27 with the most significant exposure to air contaminants or toxic air
28 contaminants, or both, including, but not limited to, communities
29 with minority populations or low-income populations, or both.

30 (2) The economic and public health impacts of those actions on
31 the state.

32 (h) If the federal government adopts a standard regulating a
33 greenhouse gas from new motor vehicles that the state board
34 determines is in a substantially similar timeframe, and of
35 equivalent or greater effectiveness as the regulations that would be
36 adopted pursuant to this section, the state board may elect not to
37 adopt a standard on any greenhouse gas included in the federal
38 standard.

39 (i) For the purposes of this section, the following terms have the
40 following meanings:

1 (1) “Greenhouse gases” means those gases listed in
2 subdivision (g) of Section 42801.1.

3 (2) “Maximum feasible and cost-effective reduction of
4 greenhouse gas emissions” means the greenhouse gas emission
5 reductions that the state board determines meet both of the
6 following criteria:

7 (A) Capable of being successfully accomplished within the time
8 provided by this section, taking into account environmental,
9 economic, social, and technological factors.

10 (B) Economical to an owner or operator of a vehicle, taking
11 into account the full life-cycle costs of a vehicle.

12 (3) “Motor vehicle” means a passenger vehicle, light-duty
13 truck, or any other vehicle determined by the state board to be a
14 vehicle whose primary use is noncommercial personal
15 transportation.

16 SEC. 4. Paragraphs (3) and (4) of subdivision (d) of Section
17 43018.5 of the Health and Safety Code, as added by this act, do not
18 constitute a change in, but are declaratory of, the existing law.

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20
21 **All matter omitted in this version of the**
22 **bill appears in the bill as amended in the**
23 **Assembly, May 3, 2001 (JR 11)**
24
25